

**TOWNSHIP OF NORTH HUNTINGDON, BOARD OF COMMISSIONERS
REGULAR MEETING, WEDNESDAY, NOVEMBER 16, 2016, 7:00 P.M.
11279 Center Highway, North Huntingdon, PA 15642
Presiding Officer – Tony Martino, President, Board of Commissioners**

CALL TO ORDER

Commissioner Martino called the meeting to order at 7:00 P.M.

ROLL CALL

Commissioner Herold	Present	Also Present:
Commissioner Haigis	Present	John Shepherd
Commissioner Bertani	Present	Michael Turley
Commissioner Gray	Present	Solicitor Craig Alexander
Commissioner Faccenda	Present	Ryan Fonzi
Commissioner Kucera	Present	Rich Albert
Commissioner Martino	Present	Dan Miller
		Lieutenant Mahinkse

PLEDGE OF ALLEGIANCE

OPENING PRAYER

The opening prayer was given by Pastor Jon Chillinsky from Calvary Church.

CITIZENS' INPUT

1. David Francis ó 460 Colt Drive ó states he is here to ask the Board to reconsider the chicken ordinance.
2. Nancy Fossick ó 275 Huntingdon Avenue ó states she lives in one of four townhouses in common building. All four townhouses have rainwater that drains into a common underground pipe. She states she's always had a mildew smell and this past Spring she found water and black mold on the lower level. She hired a contractor who stated the mold has been there for years and he found several clogs in the pipe that needs a snake run through it to flush it out. All this work stopped because her neighbor threatened to sue if he worked on her section of the pipe. Also, one of Ms. Fossick's downspout is on her neighbor's property. She is here to ask about zoning laws and codes with townhouses and how the Township can help her resolve this matter. She states she spoke with the Code Enforcement Officer, Josh Andrykovitch, who spoke with the neighbor but said there is nothing he can do. She feels her house is condemned now and she is asking for help.

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3. Rich Siniawski ó 8064 Pennsylvania Avenue ó states there have been three major accidents on Pennsylvania Avenue involving deer the past two weeks. He would like some deer crossing signs from the Turnpike up to First Street.
4. Andrew Lisiecki ó City of Pittsburgh.

Commissioner Martino states he is unable to allow him to speak since he is not a resident or pays taxes.

Solicitor Alexander states the Sunshine Law states that the Township is required to have public comment for any citizen or tax payer, but if there is a non-citizen, then it is up to the Board to decide.

Motion: Commissioner Gray

Makes a motion to allow him to speak.

Second: Commissioner Haigis

Commissioner Gray states we've never denied anyone from speaking, people from Irwin, Hempfield and Herminie were never denied citizens input.

Motion carried ó 5 ó 2 ó 0

ROLL CALL:

Commissioner Herold ó NO

Commissioner Haigis ó YES

Commissioner Bertani ó YES

Commissioner Gray ó YES

Commissioner Martino ó NO

Commissioner Faccenda ó NO

Commissioner Kucera ó YES

Motion carried ó 4 ó 3 ó 0

Mr. Lisiecki states he has received several phone calls regarding what happened at last month's meeting with an officer in the Township Police Department, specifically Mark Hamilton, who made allegations that concerned what is going on in the police department specifically centering around Mr. Lisiecki. He states he is only addressing two incidents because they are the only two incidents he can find that are in writing such as in the newspaper. The first allegation from Mr. Hamilton was the disparity of discipline between military members and other officers. In the specific incident Mr. Hamilton is referring to, Mr. Lisiecki states he was to answer to that allegation in January 2016. He wrote down specifically what actions he took against the three

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officers in the three different incidents. He states he will not embarrass the officers who were involved or Mr. Hamilton himself, just to say the Board was made aware of what actions he took and why he took them. He states he assumed the Board was ok with his actions because he was never asked to address them again. Not only was action taken against each officer in each incident, but because of the incidents that occurred, Mr. Lisiecki reviewed their training plus policy and procedures with the training officers and actually revamped the training in an attempt to make sure the incidents would never occur again. The second incident is the one where Mr. Hamilton claimed at last month's meeting where Mr. Hamilton deviated his shift because he was going on deployment and when he came in he said he was forced to work sectors that he has never worked before. Mr. Lisiecki states if Mark would have come to him with his complaints instead of violating chain of command, he would have sat down to discuss with the shift supervisor. Mr. Lisiecki states he does not have the responsibility of assigning where officers work. That is the responsibility of the shift supervisor and does so according to manpower requests, calls for service or something he has in mind. Mr. Lisiecki states when a person decides to accept a position of police officer for the Township, they work for the Township of North Huntingdon, not for sector one. He says again that he had nothing to do with that incident, the shift supervisor is responsible. He states he has been accused of other things and at last month's meeting, Mr. Hamilton went off on Commissioner Gray saying he had a two and a half hour meeting with President Martino and told him everything that was going on. Mr. Lisiecki states he does not think it's an unreasonable request for Commissioner Gray to say put it in writing so the Board can see it and find out what the allegations are and what the evidence is. Commissioner Gray stated previously that the Board will not tolerate discrimination in the police department. Mr. Lisiecki states he wouldn't tolerate it either and he did not do the things Mr. Hamilton is alleging he did. At the end of the meeting, Mr. Hamilton was called back up and Commissioner Herold stated he looks forward to going to court to testify on their behalf. Mr. Lisiecki states he also looks forward to going to court so he can testify on the Township's behalf because he truly believes neither he nor the Township did anything to discriminate against any member of the police department, not just the military. He feels the Board should take issue with the fact that Mr. Hamilton refuses to put anything in writing and the reason that is, in his opinion, is because if you continue to tell people that something has happened, sooner or later you hear it enough and start to think maybe it did happen. Mr. Lisiecki states when this incident first happened, he requested to be able to attend every meeting that was held so he could listen to the allegations and either confirm or refute the allegations. He was told by Solicitor Dice he would be allowed to attend every meeting because he was part of the Township's defense if it should go into a lawsuit, yet when the meeting was scheduled, he was told that President Martino did not want him there. Mr. Lisiecki states he looks forward to going to court also because he believes at that point, it will be the first time he is able to present his side of the facts in defense of the Township to a neutral, unbiased party. He has no problem answering questions from anybody.

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5. Al Pasquarelli, Waste Management ó Leger Road ó states he is here to address recent contract issues and the overages on commercial businesses. Per the contract, the commercial business are paying a set rate based on the size of the container they ordered and the frequency of service. Often times, there are overages with bags on the side or overflowing dumpsters which attract rodents. He states if additional trash is being picked up on the routes, then the trucks are at full capacity and businesses at the end of the route will not receive service. Mr. Pasquarelli states Solicitor put together an addendum, but need to make a couple corrections. The addendum states there can be an additional charge per incident of ninety five dollars for any container overfilled. He states this needs to be changed to per yard instead of per incident because everyone will pay on a per yard basis. He states Waste Management has a snap shot program where all the trucks have onboard computing and can take a snapshot of the overfilled container when it occurs where the business will be charged the ninety five dollar overage charge. If there is a recurrent overage with a business, Waste Management will contact them to upsize their container.
6. Roseanne Barry Novotnak ó 2491 Mickanin Road ó states she is the President of the Norwin Chamber Commerce, but stands before the Board as a Township resident. Ms. Novotnak states that a few weeks ago her family has a tradition that when one of the champions are coming in, they stand on the side of the road to watch the motorcade come in. She states there were approximately one hundred people on the side of the road and when the bus passed, there was only one police car and one police motorcycle. Normally there are ten to fifteen emergency vehicles. This community needs to educate against drugs and have children that have dedicated so much time and won awards and now the community is not supporting them. We as a community need to support them and need to bring this tradition back.
7. John Watson ó 10409 Washington Avenue ó states he would like to know what happened with the meeting the Township was supposed to have with the military officers. He also recommends Patrolman Alan Carson to position of police chief who has fourteen years of service with the Township, lives in the Township, and has ten years of service with Charleroi police department. He also went to New York when the twin towers collapsed. Mr. Watson feels he is well qualified.

RESPONSE TO CITIZENS INPUT

1. Chickens ó Commissioner Kucera states they are in the process of reviewing and updating the ordinances and would be a good time to look at it.
2. Water run off ó Manager Shepherd states her situation with sharing an adjoining wall becomes more difficult. When she spoke with Josh Andrykovich, he was correct in saying the Township would not govern that kind of situation and would not get involved. She may need to get her landlord involved and may need to take civil action on her own.

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Solicitor Alexander states he agrees one hundred percent and sounds like a private property dispute between neighbors and the Township would not get involved.

3. Deer crossing signs ó Commissioner Herold states there is one deer sign by Kohls but deer are running everywhere this time of year. Manager Shepherd states he can speak with Mr. Siniawski after the meeting to see if there is any specific area to place the signs.
4. Mr. Lisiecki ó Commissioner Gray states his response is to both Mr. Lisiecki and Mr. Hamilton from last month's meeting. He states there has been a lot of discussion the past few months regarding pay issues and discrimination. Mr. Hamilton had stated he spoke for two and a half hours on August 29th when he met with Commissioner Martino. Commissioner Gray states he has said all along that the Township takes discrimination very seriously against anybody including military members and he stands by every comment he made stating the Township, the Commissioners nor the Chief have done that and there has been no discrimination whatsoever against anyone including military members. He states there was an Executive Session and Commissioner Gray asked the question about the issues that Mark raised. The Board asked the Solicitor to put together a response in which the Board received, itemizing each issue. The bottom line is there is nothing to them. Commissioner Gray states he asked for a formal statement to be made at this meeting but a majority of the Board didn't want to do that. He states he will take it upon himself to address them against the wishes of the majority.
 - a. Military leave and compensation - it appears issues with military leave and level of compensation has been resolved and the issue has been corrected. There is no claim of discrimination.
 - b. Email vs. memo issue ó the Chief had asked for a memo for somebody's duty orders and he received an email instead resulting in discipline issued. Through the grievance procedure, this issue was settled and erased. The solicitor's opinion is there is no evidence of military discrimination.
 - c. Improper grievance form ó the grievance was filed on the wrong form and sent back by the Chief to file on the correct form which resulted in a claim of discrimination. The solicitor's opinion is there is no evidence of discrimination on this matter and proper forms should be used.
 - d. Name calling from a retired employee seven years ago ó the opinion from the solicitor is there is nothing to this claim and no evidence presented was stated in any discriminatory fashion.

- e. Accidental discharge of a weapon ó a claim of disparity of treatment because a weapon was discharged accidentally where somebody actually got shot. The opinion is there is no evidence of any discrimination.
- f. Sector placement ó former chief addressed an issue with sector placement of an officer. The opinion of the solicitor, emphasizing action that was not taken by the chief, there was no evidence there was any intent to discriminate due to military commitments and was no discrimination.

Commissioner Gray also states within the last nine months or so, there have been a number of EEOC complaints filed against the Township and every one of them have come back as unfounded.

- 5. Waste Management ó Mr. Turley states a few months ago overage charges were put into place to discourage overages with a ninety five dollar per incident charge to discourage it. He states Waste Management looked at it and felt the charges should be per yard not per incident.

Commissioner Haigis states he is ok in looking into this but is wondering why Waste Management didn't speak up about this when the contract was being signed.

Commissioner Gray states he understands why Waste Management wants to charge per yard instead of per incident because businesses could overflow their dumpsters and pay a flat ninety five dollar fine instead of per yard.

Mr. Turley states if the Board is in agreement the adjustment can be made tonight.

Manager Shepherd states Mr. Turley will put together an amendment to the contract and bring back to the Board for further consideration for December's work session.

- 6. Roseanne Novotnak ó Manager Shepherd states the motorcade for soccer was assisted by the police. Lieutenant Mahinske is in favor of the motorcade and also former police chief Lisiecki. He states an email was sent to Dr. Kerr from Shane Spinvogle on behalf of the fire chiefs stating they have concerns about safety with the lights and sirens. Manager Shepherd states the Board makes no decisions on the motorcades and have been supportive of the police doing the escorts.

Commissioner Gray states he was at the fire chief meeting and they were having reservations about safety and liability and insurance. He also states it could be a man power issue being in the middle of the night.

Commissioner Kucera states he has heard some of the fire departments stating they almost got in accidents but they should treat it like a parade.

Commissioner Gray states he will carry that message to the next chief meeting.

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Dan Miller suggests to create a separate day for community celebration and would welcome the opportunity to meet with the Chamber and school district to plan a celebration.

7. John Watson ó Commissioner Martino states the Board has not discussed the hiring of a new police chief, possibly next month to discuss.

Commissioner Gray states to clarify the recommendation that Mr. Watson is suggesting is to take a patrolman and bypass five sergeants and a lieutenant.

APPROVAL OF MINUTES

Motion: Commissioner Haigis
Second: Commissioner Bertani

Motion to approve. (Special Meeting ó 10/13/16)

Motion Carried 7 ó 0 ó 0

Motion: Commissioner Faccenda
Second: Commissioner Bertani

Motion to approve (Regular Meeting ó 10/19/16)

Motion carried 7 ó 0 ó 0

PAYMENT OF BILLS

Motion: Commissioner Haigis
Second: Commissioner Faccenda

I make a motion we pay Voucher No. 73109 through Voucher No. 73212.

Motion Carried 7 ó 0 ó 0

STAFF REPORTS

PUBLIC WORKS REPORT

There are no Board comments.

PARKS AND RECREATION REPORT

There are no Board comments.

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Dan Miller states he sent a memo to the Board regarding changes being made to the handling of distribution of tickets for the annual Father Daughter Dance. He is recommending limiting the number of tickets purchased to four tickets per person. The other recommendation is adjusting to more staff to handle the requests.

Manager Shepherd states Dan is getting ready to advertise the Santa event and was thinking to advertise the Father Daughter too.

Commissioner Haigis states the outline looks good and is comfortable moving forward.

Commissioner Bertani agrees and to move forward.

Commissioner Faccenda asks if the window area will be used.

Manager Shepherd states the meeting room will be used with multiple staff working and also on a Saturday.

POLICE REPORT

There are no Board comments.

Lieutenant Mahinske states the police department was presented for 2016 The Community Traffic Safety Silver Award for leadership, education and improved traffic safety.

EMERGENCY MANAGEMENT REPORT

There are no Board comments.

PLANNING AND ENGINEERING REPORT

FIRE OFFICIAL'S REPORT

There are no Board comments.

SUBDIVISION & LAND DEVELOPMENT APPLICATION REPORT

- 1) **S-23-2016: Mt. Ridge Estates Revision 5, Forest Oaks Trail & Wisperwood Ct, PRD**
Action to adopt a Resolution approving a minor subdivision involving multiple lots in the Mt. Ridge Estates Plan.

Motion: Commissioner Haigis
Second: Commissioner Kucera

Motion to approve.
Motion carried 7 6 0 6 0

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2) S-24-2016: Gene Rayman Plan, Northview Drive, R-3 Zoning

Action to adopt a Resolution approving a boundary line revision involving three adjacent lots on Northview Drive.

Motion: Commissioner Faccenda

Motion to approve.

Second: Commissioner Bertani

Motion carried 7 ó 0 ó 0

3) SP-9-2016: Virtus Institute Site Plan, 11065 Parker Drive, PEDD2 Zoning

Action to adopt a Resolution approving a site plan application for a construction of a fitness training center.

Motion: Commissioner Faccenda

Motion to approve.

Second: Commissioner Herold

Motion carried 7 ó 0 ó 0

4) S-20-2016: Tuscan Hills Phase II, Barnes Lake Road, R-2 Zoning

Action to adopt a Resolution accepting the application for the next phase of the Tuscan Hills subdivision.

Motion: Commissioner Haigis

Motion to approve.

Second: Commissioner Herold

Motion carried 7 ó 0 ó 0

SOLICITOR'S REPORT – Solicitor Craig Alexander

1) Action to adopt Proposed Ordinance No. 6 of 2016 of the Township of North Huntingdon, Westmoreland County, Commonwealth of Pennsylvania, electing to amend its Police Pension Plan administered by the Pennsylvania Municipal Retirement System pursuant to Article IV of the Pennsylvania Municipal Retirement Law; agreeing to be bound by all provisions of the Pennsylvania Municipal Retirement Law as amended and as applicable to member municipalities.

Motion: Commissioner Haigis

Motion to approve.

Second: Commissioner Bertani

Abstain: Commissioner Kucera

Motion carried 6 ó 0 ó 1

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TOWNSHIP MANAGER'S REPORT

1) Action to approve the October check register.

Motion: Commissioner Haigis
Second: Commissioner Bertani

Motion to approve.

Motion carried 7 6 0 6 0

2) Budget Report 6 October 2016 Report.

3) Action to adopt a Resolution appointing Mark C. Turnley as Independent Auditor to audit fiscal year 2016.

Motion: Commissioner Faccenda
Second: Commissioner Herold

Motion to approve.

Motion carried 7 6 0 6 0

4) Action to approve a Resolution which approves the transfer and importation of a liquor license pursuant to Pennsylvania Act 141 of 2000 concerning 1688 Asian Food Inc., located at 12120 State Route 30, Suite 170.

Motion: Commissioner Faccenda
Second: Commissioner Haigis

Motion to approve.

Motion carried 7 6 0 6 0

5) Action to approve an electric service contract for Township facilities and street lights beginning in June 2017 for a maximum term of thirty five months as determined by the Township Manager. Note: Additional information to be provided at the meeting.

Motion: Commissioner Herold
Second: Commissioner Faccenda

Motion to approve.

Motion carried 7 6 0 6 0

Manager Shepherd states that in the past the Township utilized Keytex Energy to do the brokering for rates. The current contract is up in June 2017 for both street lights and electric accounts. Keytex Energy contacted Manager Shepherd to give current rates and the Township would have saved approximately ten thousand dollars annually on streetlights and electric accounts. Since then, the price has lowered a bit. Manager Shepherd recommends the thirty month term if the Board agrees and then he will approve the contract.

Commissioner Kucera asks if it just for the supplier and not the maintenance.

Manager Shepherd states that is correct just for energy supply.

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Motion: Commissioner Herold
Second: Commissioner Faccenda

Motion to approve.

Motion carried 7 6 0 6 0

6) Action to advertise the 2017 Budget in accordance with the discussion at the Special Meeting on November 10, 2016.

Motion: Commissioner Gray
Second: Commissioner Haigis

So moved.

Motion carried 7 6 0 6 0

7) Action to approve pay application No. 4 from A. Liberoni Inc. in the amount of \$30,102.04.

Motion: Commissioner Faccenda
Second: Commissioner Bertani

Motion to approve.

Motion carried 7 6 0 6 0

Commissioner Kucera states that at the last meeting there was a young lady who had some problems and asked if anything has been done.

Manager Shepherd states Bob Robinson had spoken with her and she filed at the Magistrate.

8) Action to accept the retirement of James Novak of the North Huntingdon Police Department effective November 24, 2016.

Motion: Commissioner Gray
Second: Commissioner Haigis

Motion to approve with great regret.

Motion carried 7 6 0 6 0

Manager Shepherd thanks Jim Novak for all his years of service and has been able to work closely with him on some things. He states Mr. Novak has always been fair and reasonable and he appreciates that and will miss him being here. Thank you for your service.

FURTHER BOARD COMMENTS

Commissioner Gray states the Board just advertised the budget and has heard about the taxes being raised. He states it is not the Township who is raising taxes. Also this budget does not provide for any increase of manpower in the Township forces.

Commissioner Gray states he requested a copy of the Home Occupancy Sign ordinance and he asks if there is a sign size limit.

Manager Shepherd states the size is one square foot by one square foot.

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Commissioner Gray also states he would like to review the chicken ordinance and the sign ordinance. He feels the signs are too small.

Commissioner Martino says good luck to Jim Novak in his future. He also thanks Detective Sage and Detective Youngstead for representing the Township in Canonsburg for the fallen officer.

ANNOUNCEMENTS

- 1) The Final Fall Yard Waste Collection is scheduled during the week of December 6th. Yard waste must be placed in biodegradable paper bags.
- 2) North Huntingdon Parks & Recreation is sponsoring "A Knight with Santa & Friends" on Friday, December 9th from 6:00 P.M. until 8:00 P.M. at the Norwin Middle School. This event is for Norwin Students Only, ages 3 to 10. Please call the Administration Office to register

ADJOURNMENT

Motion: Commissioner Gray

Motion to adjourn. (8:17 P.M.)

Second: Commissioner Haigis

Motion Carried 7 0 0 0

- Regular Meeting Minutes of November 16, 2016 were approved by the Board of Commissioners on _____

Tony Martino, President

John M. Shepherd, Township Secretary

/jjm